

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ITR No.305 of 1995

Date of decision:8.11.2006

The Commissioner of Income Tax,Patiala

....Petitioner

versus

M/s. Punjab Financial Corporation, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. SK Garg Narwana, Advocate, for the revenue.
Ms. Rimpi Choudhary, Advocate, for the assessee.

JUDGMENT:

Following question of law has been referred for the opinion of this Court by the Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh (for short, 'the Tribunal') arising out of its order dated 21.9.1992 in ITA No.197/Chandi/88, for the assessment year 1984-85:-

“Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in holding that deduction under section 36(1)(viii) of the Income tax Act, 1961 is allowable at the prescribed percentage of the total income before making deduction under that section?”

The question referred has been gone into by this Court in ITR Nos.53 to 55 of 1990 (**The Commissioner of Income Tax, Haryana, Rohtak v. The Haryana Financial Corporation Limited, Chandigarh**), decided on 24.10.2006, wherein the question has been answered against the revenue and in favour of the assessee.

Accordingly, the question is answered against the revenue and in favour of the assessee.

Reference is disposed of accordingly.

(Adarsh Kumar Goel)
Judge

November 8, 2006
'gs'

(Rajesh Bindal)
Judge

